



**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA-R03-OAR-2014-0475; FRL- 9941-36-Region 3]**

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County's Adoption of Control Techniques Guidelines for Four Industry Categories for Control of Volatile Organic Compound Emissions**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is converting a conditional approval of a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania on behalf of the Allegheny County Health Department (ACHD) to a full approval. This SIP revision includes amendments to the ACHD Rules and Regulations, Article XXI, Air Pollution Control, and meets the requirement to adopt reasonably available control technology (RACT) for sources covered by EPA's control techniques guidelines (CTG) for the following categories: miscellaneous metal and/or plastic parts surface coating processes; automobile and light-duty truck assembly coatings; miscellaneous industrial adhesives; and fiberglass boat manufacturing materials. Upon review of the submittal, EPA found that the average monomer volatile organic compound (VOC) content limits were referenced but not included in the regulation for fiberglass boat manufacturing materials. ACHD has revised the regulation and submitted the table of VOC content limits for fiberglass boat manufacturing materials to EPA in order to address specific RACT requirements for Allegheny County. Therefore, EPA is converting the conditional approval of the revisions to the Pennsylvania SIP to a full approval in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2014-0475. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through [www.regulations.gov](http://www.regulations.gov) or may be viewed during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the state submittal are available at the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201 and at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Irene Shandruk, (215) 814-2166, or by e-mail at [shandruk.irene@epa.gov](mailto:shandruk.irene@epa.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. Background**

Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include reasonably available control measures (RACM), including RACT, for sources of emissions.

Section 182(b)(2)(A) provides that for certain nonattainment areas, states must revise their SIP to

include RACT for sources of VOC emissions covered by a CTG document issued after November 15, 1990 and prior to the area's date of attainment. In 2008, EPA developed new CTGs for miscellaneous metal and plastic parts coatings, automobile and light-duty assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials.

## **II. Summary of SIP Revision**

On November 15, 2013, the Pennsylvania Department of Environmental Protection (PADEP) submitted to EPA on behalf of ACHD a SIP revision concerning the adoption of the EPA CTGs for miscellaneous metal and/or plastic parts surface coating processes, automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials in Allegheny County. These ACHD regulations, with a state effective date of June 8, 2013, are contained in the ACHD Rules and Regulations, Article XXI, Air Pollution Control sections 2105.83 (Control of VOC Emissions from Miscellaneous Metal and/or Plastic Parts Surface Coating Processes), 2105.84 (Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coatings), 2105.85 (Control of VOC Emissions from Miscellaneous Industrial Adhesives), and 2105.86 (Control of VOC Emissions from Fiberglass Boat Manufacturing Materials) in order to establish: (1) Applicability for miscellaneous metal and/or plastic parts surface coating processes, automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials; (2) exemptions; (3) record-keeping and work practice requirements; and (4) emission limitations. Upon review of the November 15, 2013 submittal, EPA found that the table of average monomer VOC content limits for fiberglass boat manufacturing materials was referenced; however, the table was erroneously not included in the regulation. Pursuant to section 110(k)(4) of the CAA, PADEP submitted on behalf of ACHD a letter dated July 16, 2014 committing to submit a SIP revision to

EPA addressing this error.

On March 26, 2013 (78 FR 18241), EPA conditionally approved the SIP revision concerning the adoption of these CTGs. On September 9, 2015, PADEP submitted to EPA on behalf of ACHD a supplemental SIP revision containing the regulation with the missing table of average monomer VOC content limits, and thereby addressed its July 16, 2014 commitment. On November 10, 2015, EPA published a notice of proposed rulemaking converting the conditional approval to a full approval. 80 FR 69627. Other specific requirements and the rationale for EPA's proposed rulemaking action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

### **III. Final Action**

In this rulemaking action, EPA is converting to a full approval the conditional approval of the Commonwealth of Pennsylvania SIP revision submitted on November 15, 2013, as supplemented with the September 9, 2015 SIP submittal, which consists of amendments to the ACHD Rules and Regulations, Article XXI, Air Pollution Control for adopting RACT for sources covered by EPA's CTG standards for the following categories; miscellaneous metal and/or plastic parts surface coating processes, automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials.

Pursuant to section 110(k)(4) of the CAA, the conditional approval was based upon a letter from PADEP on behalf of ACHD dated July 16, 2014 committing to submit to EPA an additional SIP revision to address the deficiency in the regulation for fiberglass boat manufacturing materials. On September 9, 2015, PADEP on behalf of ACHD, submitted a supplemental SIP revision containing the table of monomer VOC content limits for fiberglass boat manufacturing materials.

EPA has determined that ACHD has satisfied this condition. Therefore, EPA is removing the conditional nature of its approval and replacing it with a full approval of Allegheny County's adoption of CTGs for miscellaneous metal and/or plastic parts surface coating processes, automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials.

#### **IV. Incorporation by Reference**

In this rulemaking, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference the ACHD regulations regarding control of VOC emissions discussed in section II of this preamble. EPA has made, and will continue to make, these documents generally available through [www.regulations.gov](http://www.regulations.gov) and/or may be viewed at the EPA Region III office (see the ADDRESSES section of this preamble for more information).

#### **V. Statutory and Executive Order Reviews**

##### **A. General Requirements**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely conditionally approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal

governments or preempt tribal law.

## **B. Submission to Congress and the Comptroller General**

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

## **C. Petitions for Judicial Review**

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action pertaining to ACHD’s adoption of CTG standards for miscellaneous metal and/or plastic parts surface coating processes, automobile and light-duty truck assembly coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 30, 2015.

Shawn M. Garvin,  
Regional Administrator,  
Region III.

40 CFR part 52 is amended as follows:

## **PART 52 – APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

### **Subpart NN--Pennsylvania**

2. In §52.2020, the table in paragraph (c)(2) is amended by revising the entries for “2105.83,” “2105.84,” “2105.85,” and “2105.86” under part E, subpart 7. The revisions read as follows:

#### **§52.2020 Identification of plan.**

\* \* \* \*

(c) \* \* \*

(2) \* \* \*

<b>Article XX or XXI citation</b>	<b>Title/subject</b>	<b>State effective date</b>	<b>EPA approval date</b>	<b>Additional explanation/ § 52.2063 citation</b>
* * *	* * *			
<b>Part E – Source Emission and Operating Standards</b>				
* * *	* * *			
<b>Subpart 7 – Miscellaneous VOC Sources</b>				
* * *	* * *			
2105.83	Control of VOC Emissions from Miscellaneous Metal and/or Plastic Parts Surface Coating Processes	6/8/13	[Insert the date of publication in the Federal Register] [Insert Federal Register Citation]	New regulation.
2105.84	Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coatings	6/8/13	[Insert the date of publication in the Federal Register]	New regulation.

Article XX or XXI citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
			<u>[Insert Federal Register Citation]</u>	
2105.85	Control of VOC Emissions from Miscellaneous Industrial Adhesives	6/8/13	<u>[Insert the date of publication in the Federal Register]</u> <u>[Insert Federal Register Citation]</u>	New regulation.
2105.86	Control of VOC Emissions from Fiberglass Boat Manufacturing Materials	6/19/15	<u>[Insert the date of publication in the Federal Register]</u> <u>[Insert Federal Register Citation]</u>	New regulation.
* * *	* * *			

\* \* \* \* \*

### §52.2023 [Amended]

3. Section 52.2023 is amended by removing paragraph (m).

[FR Doc. 2016-00656 Filed: 1/19/2016 8:45 am; Publication Date: 1/20/2016]